

***Superseded 5/12/2020***

**72-3-104 City streets -- Class C roads -- Construction and maintenance.**

- (1) City streets comprise:
  - (a) highways, roads, and streets within the corporate limits of the municipalities that are not designated as class A state roads or as class B roads; and
  - (b) those highways, roads, and streets located within a national forest and constructed or maintained by the municipality under agreement with the appropriate federal agency.
- (2) City streets are class C roads.
- (3) Except for city streets within counties of the first and second class as defined in Section 17-50-501, the state and city have joint undivided interest in the title to all rights-of-way for all city streets.
- (4) The municipal governing body exercises sole jurisdiction and control of the city streets within the municipality.
- (5) The department shall cooperate with the municipal legislative body in the construction and maintenance of the class C roads within each municipality.
- (6) The municipal legislative body shall expend or cause to be expended upon the class C roads the funds allocated to each municipality from the Transportation Fund under rules made by the department.
- (7) Any town or city in the third, fourth, or fifth class may:
  - (a) contract with the county or the department for the construction and maintenance of class C roads within its corporate limits; or
  - (b) transfer, with the consent of the county, its:
    - (i) class C roads to the class B road system; and
    - (ii) funds allocated from the Transportation Fund to the municipality to the county legislative body for use upon the transferred class C roads.
- (8) A municipal legislative body of any city of the third, fourth, or fifth class may use any portion of the class C road funds allocated to the municipality for the construction of sidewalks, curbs, and gutters on class A state roads within the municipal limits by cooperative agreement with the department.